No. 6222 Equity

Bill of Complaint.

for value of which said Duncan had notice but did not pay the same nor any part thereof nor has the same nor any part thereof been paid but the whole amount thereof is due, owing and unpaid. Said promissory note being herewith filed as part hereof and marked Exhibit No. 4.

4. That there has been no last Will and testament of said Charles H. Duncan nor any writing purporting to be such produced in the orphans Court for said Frederick County. Nor any grant of letter of Administration therein nor elsewhere to the knowledge of your orator and your orators are informed and allege that said Charles H. Duncan died intestate and left no personal property or if any a very insufficient amount.

5. That your orators are advised and believe and so charge that they are entitled to have their said claims and right in regard thereto adjudicated and enforced against said real estate in your Honorable Court that said Real Estate is not susceptible of division or partition without great loss and injury to all concerned that it would be to the interest, benefit and advantage of all concerned to have said land and premises sold by a trustee to be thereto appointed by decree of your Honorable Court and the proceeds applied to the payment of the indebtedness due your orators and such other creditors as may come in and contribute to the expenses of these proceedings and the balance if any after payment of costs and expenses incident to these proceedings divided among the heirs at law of said Charles H. Duncan according to their respective interests.

To the end therefor that said real estate may be sold by a trustee or trustees thereto appointed under decree of your Honorable Court and the proceeds arising from such sale applied to the payment of the said claims of your said orators as well as those of any other creditors of said Charles H. Duncan who may come in and contribute to the expenses of these proceedings and the balance after payment of costs, expenses, &c. Provided among the heirs at law of said Duncan according to their respective rights and interest.

May it please your Honors to grant unto your orators an order of publication giving notice to the unknown heirs of said Charles H. Duncan deceased of the object and substance of this Bill of complaint and warning them to be and appear in your Honorable Court in person or by Attorney by a certain day to be therein named to answer the Bill of Complaint and show cause if any they have why a decree should not be passed as prayed and to stand to and abide by and perform such order or decree as may be passed in the premises and to grant unto your orators such other and further relief as their case may require and to your Honors shall seem just and right. And as in duty bound they will ever pray etc.

William H. Hooks
John C. Motter
Attys for Plffs.

Filed Feby 6th 1894.